

No. 02-2552

Submitted: March 7, 2003  
 Filed: March 12, 2003

Before HANSEN, CHIEF JUDGE, MELLODY, and SMITH, Circuit Judges.

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PER CURIAM.

Arkansas inmate Tommy Radford appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action alleging that three officers wrote false disciplinaries against him, the warden did not remedy the situation, and a hearing officer improperly upheld the disciplinaries. Radford also appeals the denial of his motion to amend his complaint to allege only exhausted claims.

Upon de novo review, see Cody v. Weber, 256 F.3d 764, 767 (8th Cir. 2001), we conclude there was some evidence that Radford committed actual rule violations. See Moore v. Plaster, 266 F.3d 928, 931 (8th Cir. 2001) (retaliation claim may be defended by showing “some evidence” that inmate actually committed rule violation), cert. denied, 122 S. Ct. 1797 (2002); Henderson v. Baird, 29 F.3d 464, 465, 469 (8th Cir. 1994), cert. denied, 515 U.S. 1145 (1995). We also conclude his damages claims were barred by Heck v. Humphrey, 512 U.S. 477 (1994). See Portley-El v. Brill, 288 F.3d 1063, 1066-67 (8th Cir. 2002). Finally, we find no error in the denial of Radford's motion to amend, because his complaint was not dismissed on exhaustion grounds.

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.